

Filed in U.S. Bankruptcy Court
Northern District of Georgia
Vania S. Allen, Clerk

JUL 17 2023

By: _____
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:
CALVIN JOSEPH DATRICE, III,

CASE NO. 23-56465-SMS

CHAPTER 7

Debtor(s).

**NOTICE TO LANDLORD/LESSOR CONCERNING APPLICABILITY OF
EXCEPTION TO AUTOMATIC STAY PROVIDED UNDER 11 U.S.C. § 362(b)(22)**

Debtor or Debtors (hereinafter "Debtor") in this case has identified you as a Landlord/Lessor who has obtained a judgment for possession of residential property in which Debtor resides as a tenant. In accordance with 11 U.S.C. § 362(l)(4)(B) you are hereby notified that the exception to the automatic stay as provided under 11 U.S.C. § 362(b)(22) may be applicable because:

1.

- ☐ Debtor has not filed a certification that under applicable nonbankruptcy law there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, or
- ☐ Debtor has not filed a certification that Debtor(s) has deposited with the Court the rent that would become due during the 30-day period after the filing of the petition; or
- ☒ Debtor has not made the appropriate deposit with the Court.

2.

- ☐ Debtor has not filed a certification that Debtor has cured, under nonbankruptcy law applicable in this jurisdiction, the entire monetary default that gave rise to the judgment under which possession is sought by the Landlord/Lessor.

Where applicable, certified copies of the case docket and/or certification are enclosed. This Notice will be served upon Landlord/Lessor and Debtor and their counsel, if any.

Dated: July 17, 2023

United States Bankruptcy Court
75 Ted Turner Drive, SW
Room 1340
Atlanta, Georgia 30303



VANIA S. ALLEN, Clerk of Court

Fill in this information to identify your case:			
Debtor 1	Calvin	Joseph	Datrice
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: _____ District of North District of Georgia			
(State)			
Case number (If known)	23-56465		

Filed in U.S. Bankruptcy Court
Northern District of Georgia
Vania S. Allen, Clerk

JUL 13 2023

By: _____

Deputy Clerk

Official Form 101A

Initial Statement About an Eviction Judgment Against You

12/15

File this form with the court and serve a copy on your landlord when you first file bankruptcy only if:

- you rent your residence; and
- your landlord has obtained a judgment for possession in an eviction, unlawful detainer action, or similar proceeding (called *eviction judgment*) against you to possess your residence.

Landlord's name The Retreat at Edgewood Townehomes

Landlord's address 150 Hutchinson St Ne

Number Atlanta Street Ga 30307

City Atlanta State Ga ZIP Code 30307

If you want to stay in your rented residence after you file your case for bankruptcy, also complete the certification below.

Certification About Applicable Law and Deposit of Rent

I certify under penalty of perjury that:

- ☒ Under the state or other nonbankruptcy law that applies to the judgment for possession (*eviction judgment*), I have the right to stay in my residence by paying my landlord the entire delinquent amount.
- ☒ I have given the bankruptcy court clerk a deposit for the rent that would be due during the 30 days after I file the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

X Calvin Joseph Datrice III

Signature of Debtor 1

X

Signature of Debtor 2

Date 07/07/2023

MM / DD / YYYY

Date _____


MM / DD / YYYY

- Stay of Eviction: (a) First 30 days after bankruptcy. If you checked both boxes above, signed the form to certify that both apply, and served your landlord with a copy of this statement, the automatic stay under 11 U.S.C. § 362(a)(3) will apply to the continuation of the eviction against you for 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).
- (b) Stay after the Initial 30 days. If you wish to stay in your residence after that 30-day period and continue to receive the protection of the automatic stay under 11 U.S.C. § 362(a)(3), you must pay the entire delinquent amount to your landlord as stated in the eviction judgment before the 30-day period ends. You must also fill out *Statement About Payment of an Eviction Judgment Against You* (Official Form 101B), file it with the bankruptcy court, and serve your landlord a copy of it before the 30-day period ends.

Check the Bankruptcy Rules (<http://www.uscourts.gov/rules-policies/current-rules-practice-procedure>) and the local court's website (to find your court's website, go to <http://www.uscourts.gov/court-locator>) for any specific requirements that you might have to meet to serve this statement. 11 U.S.C. §§ 362(b)(22) and 362(l)

Fill in this information to identify your case:

Debtor 1	<u>Calvin</u>	<u>Joseph</u>	<u>Datrice</u>
	<small>First Name</small>	<small>Middle Name</small>	<small>Last Name</small>
Debtor 2 (Spouse, if filing)	<u></u>	<u></u>	<u></u>
	<small>First Name</small>	<small>Middle Name</small>	<small>Last Name</small>

United States Bankruptcy Court for the: Northern District of Georgia 

Case number (if known) 23-56465

Filed in U.S. Bankruptcy Court
Northern District of Georgia
Vania S. Allen, Clerk

JUL 13 2023

By: 

Deputy Clerk

Official Form 101B

Statement About Payment of an Eviction Judgment Against You

12/15

Fill out this form only if:

- ☐ you filed *Initial Statement About an Eviction Judgment Against You* (Official Form 101A); and
- ☐ you served a copy of Form 101A on your landlord; and
- ☐ you want to stay in your rented residence for more than 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

File this form within 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).
Also serve a copy on your landlord within that same time period.

Certification About Applicable Law and Payment of Eviction Judgment

I certify under penalty of perjury that (Check all that apply):

- ☒ Under the state or other nonbankruptcy law that applies to the judgment for possession (*eviction judgment*), I have the right to stay in my residence by paying my landlord the entire delinquent amount.
- ☒ Within 30 days after I filed my *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101), I have paid my landlord the entire amount I owe as stated in the judgment for possession (*eviction judgment*).

☒ Calvin Joseph Datrice
Signature of Debtor 1

☒
Signature of Debtor 2

Date 07/07/2023
MM / DD / YYYY

Date
MM / DD / YYYY

You must serve your landlord with a copy of this form.

Check the Bankruptcy Rules (www.uscourts.gov/rulesandpolicies/rules.aspx) and the court's local website (go to http://www.uscourts.gov/Court_Locator.aspx to find your court's website) for any specific requirements that you might have to meet to serve this statement.

**U.S. Bankruptcy Court
Northern District of Georgia (Atlanta)
Bankruptcy Petition #: 23-56465-sms**

Assigned to: Judge Sage M. Sigler
Chapter 7
Voluntary
No asset

Date filed: 07/10/2023
341 meeting: 08/09/2023
Deadline for objecting to discharge: 10/10/2023

Debtor

Calvin Joseph Datrice, III
Unit 711
150 Hutchinson St NE
Atlanta, GA 30307
DE KALB-GA
SSN / ITIN: xxx-xx-2644
Tax ID / EIN: 88-2111678
aka Calvin Joseph Datrice
dba Datrice Inc.

represented by **Calvin Joseph Datrice, III**
PRO SE

Trustee


S. Gregory Hays
Hays Financial Consulting, LLC
Suite 555
2964 Peachtree Road
Atlanta, GA 30305
(404) 926-0060

Filed in Clerk's Office and
a true copy certified this
17 day of July, 2023:
VANIA S. ALLEN, CLERK




By: 
Deputy Clerk




U.S. Trustee

Office of the United States Trustee
362 Richard Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303
404-331-4437

Filing Date	#	Docket Text
07/10/2023	 <u>1</u> (20 pgs; 2 docs)	Case Opened and Voluntary Petition Filed. [Pursuant to Amended and Restated General Order 45-2021, this document was received for filing via email.](rfs) Additional attachment(s) added on 7/17/2023 (rfs).


07/10/2023	2 (2 pgs; 2 docs)	Statement of Social Security Number (Official Form B121) (Document is restricted and can only be viewed by Court staff.) filed by Calvin Joseph Datrice III. [Pursuant to Amended and Restated General Order 45-2021, this document was received for filing via email.] (rfs) Additional attachment(s) added on 7/17/2023 (rfs).
07/10/2023	3 (2 pgs; 2 docs)	Credit Counseling Service Certificate filed by Calvin Joseph Datrice III. [Pursuant to Amended and Restated General Order 45-2021, this document was received for filing via email.] (rfs) Additional attachment(s) added on 7/17/2023 (rfs).
07/11/2023	4 (1 pg)	Order Regarding Unpaid Filing Fee in the Amount of \$ 338.00 . Service by BNC. Filing Fee Due on: 7/21/2023, Entered on 7/11/2023. (related document(s) 1) (kdh)
07/11/2023	5 (1 pg)	Order Regarding the List of Creditors with deficiencies noted. Failure to comply will result in dismissal of case without further notice. Service by BNC. List of all creditors due 7/18/2023. Entered on 7/11/2023. (kdh)
07/11/2023	6 (1 pg)	Order Setting Deadlines for Debtor to Correct Filing Deficiencies (Individual). Service by BNC. Statement of Financial Affairs due 7/24/2023. Schedule(s) due by 7/24/2023. Declaration About Debtors Schedules (B106) due 7/24/2023. Summary of Assets and Liabilities due 7/24/2023. Statement of Income and, if applicable, Means Test Calculation Form due: 7/24/2023. Debtor Payment Advices due: 7/24/2023. Statement of Intention due 8/9/2023. (kdh)
07/11/2023	7 (4 pgs; 2 docs)	Notice of Meeting of Creditors (Chapter 7 - Individual - No Asset). Telephonic 341 Meeting to be held on 8/9/2023 at 11:50 AM (See notice for telephonic call-in information (Ch. 7 Hays)). (Admin) Objections for Discharge due by 10/10/2023
07/11/2023	8 (1 pg)	Order Setting Deadlines to Correct Filing Deficiency Pursuant to Amended and Restated General Order 45-2021. Original document(s) with signature(s) required for document(s) filed via email or fillable form. Service by BNC. Original document(s) with signature(s) due: 7/21/2023. Entered on 7/11/2023. (related document(s) 1 , 2) (rfs)
07/11/2023	9 (1 pg)	Notice to Debtor Regarding Debtor Electronic Noticing. Service by BNC. (ADIClerk)

07/13/2023	10 (3 pgs)	Certificate of Mailing by BNC of Notice of Meeting of Creditors Notice Date 07/13/2023. (Admin.) (Entered: 07/14/2023)
07/13/2023	11 (2 pgs)	Certificate of Mailing by BNC of Order Regarding List of Creditors Notice Date 07/13/2023. (Admin.) (Entered: 07/14/2023)
07/13/2023	12 (2 pgs)	Certificate of Mailing by BNC of Order on Deadlines to Correct New Case Deficiency - Individual. Notice Date 07/13/2023. (Admin.) (Entered: 07/14/2023)
07/13/2023	13 (2 pgs)	Certificate of Mailing by BNC of Order Regarding Unpaid Filing Fees Notice Date 07/13/2023. (Admin.) (Entered: 07/14/2023)
07/13/2023	14 (2 pgs)	Certificate of Mailing by BNC of Order Setting Deadline to Correct Filing Deficiency Pursuant to General Order Notice Date 07/13/2023. (Admin.) (Entered: 07/14/2023)
07/13/2023	15 (2 pgs)	Certificate of Mailing by BNC of Notice to Debtor Regarding Debtor Electronic Noticing Notice Date 07/13/2023. (Admin.) (Entered: 07/14/2023)
07/13/2023	16 (57 pgs)	Statement of Financial Affairs , Schedule A/B , Schedule C , Schedule D , Schedule E/F , Schedule G , Schedule H , Schedule I , Schedule J , Statement of Intention, Summary of Assets and Liabilities with Statistical Information for Individual Debtor , Verification or Declaration for Individual Debtor , Chapter 7 Statement of Monthly Income/Mean Test Document(s) , List of Creditors filed by Calvin Joseph Datrice III.[Pursuant to Amended and Restated General Order 45-2021, this document was received for filing via email] (jar) (Entered: 07/14/2023) 
07/13/2023	17 (1 pg)	Statement Regarding Payment Advices of Debtor, filed by Calvin Joseph Datrice III. (related document(s) 6) [Pursuant to Amended and Restated General Order 45-2021, this document was received for filing via email] (jar) (Entered: 07/14/2023) 
07/13/2023	18 (3 pgs)	Application for Waiver of Chapter 7 Filing Fee filed by Calvin Joseph Datrice III. [Pursuant to Amended and Restated General Order 45-2021, this document was received for filing via email] (jar) (Entered: 07/14/2023) 
07/13/2023	19 (1 pg)	Initial Statement About an Eviction Judgment Against You filed by Calvin Joseph Datrice III. [Pursuant to Amended and Restated General Order 45-2021, this document was

		received for filing via email] (jar) (Entered: 07/14/2023) 
07/13/2023	 20 (1 pg)	Statement About Payment of an Eviction Judgment Against You filed by Calvin Joseph Datrice III. [Pursuant to Amended and Restated General Order 45-2021, this document was received for filing via email] (jar) (Entered: 07/14/2023) 



Filed in Clerk's Office and
a true copy certified this
17 day of July, 2023.
VANIA S. ALLEN, CLERK

By: 
Deputy Clerk

In re: 23-56465-sms

CERTIFICATE OF MAILING

I certify that the Notice of Exception from Automatic Stay was served by US Mail to the following parties:

Calvin Joseph Datrice, III
Unit 711
150 Hutchinson St NE
Atlanta, GA 30307

The Retreat at Edgewood Townhomes
150 Hutchinson ST NE
Atlanta, Ga 30307

Date Mailed: July 17, 2023

VANIA S. ALLEN, CLERK

By: /s/ Nancie Schindler
Nancie Schindler